

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:11-CR-00032-F-1

UNITED STATES OF AMERICA

v.

ROBERT EARL MOODY,
Defendant.

)
)
)
)
)
)

ORDER

This matter is before the court on the Government's Motion for Competency Evaluation [DE-33] pursuant to 18 U.S.C. § 4241. The Government argues that a psychiatric and/or psychological examination of Defendant is needed to determine if he is suffering from a mental disease or defect rendering him mentally incompetent such that he is unable to understand the nature and consequences of the proceedings against him or assist properly in his defense.

It appears to the court from the Government's motion that there is reasonable cause to believe that Defendant may be presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that Defendant is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and it would be in the interest of justice to allow the Government's motion.

Now, therefore, IT IS ORDERED that the Government's Motion for Competency Evaluation [DE-33] is ALLOWED as follows:

1. Defendant is to be examined by at least one qualified psychiatrist or psychologist under the provisions of 18 U.S.C. § 4241 to determine his mental competency. The examining psychiatrist or psychologist shall prepare a written report containing the information designated

in 18 U.S.C. § 4247(c)(1), (c)(2), (c)(3), and (c)(4)(A).

2. Defendant is to be committed to the Federal Correctional Institution at Butner, or to a suitable federal institution to be designated by the Attorney General for psychiatric or psychological examination. Custody of Defendant for the purposes of examining him shall be for a reasonable time, but not to exceed thirty (30) days.

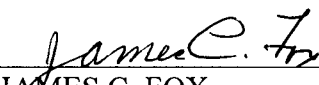
3. The psychiatric or psychological reports shall be filed with the court, with copies provided to the attorney for the Government and to Defendant (or counsel for Defendant should counsel be appointed). Said reports shall comply with 18 U.S.C. § 4247.

4. A certified copy of this Order shall be delivered to the examining psychiatrist or psychologist.

Upon completion of the psychiatric examination and the filing of the reports, the Clerk of Court is DIRECTED to schedule a hearing in this matter to determine the mental competency of Defendant.

SO ORDERED.

This 17th day of July, 2013.



JAMES C. FOX
United States District Judge

Defense Counsel: Defendant is proceeding *pro se*
Prosecutor: John H. Bennett